

Civil Action 18-109

Sept. 24, 2018

Tasha Spears vs. Carnegie Mellon Police
Response to Motion to Dismiss **FILED**
Magistrate Judge Robert C. Mitchell
District Judge Nova Barry Fischer

SEP 24 2018

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

- Claim: Spears was involved in an altercation on the Campus of CMU. Spears was Assaulted from behind by a White Woman in Carnegie Mellon University on Feb. 13, 2013.
- claim: Spears Alleges that she contacted the University Police that day.
SANDRA HARRIS (412-335-0553) allowed me to use her phone when she arrived at CMU on Feb. 13, 2013 after I was escorted & BANNED from the University. If the Judges needed me to provide a witness, just ask! She's been here ALL ALONG!
- claim: Officer Hefflich #07, answered the phone, advised me that he knew of the situation, refused to come help me, and advised me that I would be ARRESTED if I remained on the property. He also stated to me to "GO somewhere else to file my report!" Now, IS this Procedure of an officer of the law? Does he know me from somewhere? Did we EVER have any RELATIONS what so EVER? Is this behavior Exceptable and for who? Is he supposed to talk + treat me in this matter the way he did?

Does the LAWS of the Constitution Only Apply to ME +
Not THE DISRESPECTFUL OFFICER WHO YOU JUDGES
SEE FIT to be working as an officer of the LAW?

DO I NOT HAVE Constitutional Rights as EVERYONE
ELSE in this WORLD? OR is it acceptable to Discriminate
against ME because of my COLOR? Because I am Black
You Know?

Does this Officer have the Right to CHOOSE who he
decides to Help? OR is his job to Help Everyone,
Regardless of the Color of a person's SKIN?

Do I have the same Rights as anyone else has
when needing Help and asking for it from an
law official of the law that is in a position
to UP HOLD the LAW?

Remember now, This Officer (#07) is in a position
to KNOW BETTER and He is Supposed to Do
Better, AND yet He failed as a MATTER
OF LAW! When I filed my report in Squirrel
Hill, The officer that GAVE me my report #
ADVISED ME, that I Should have been
filing at CMU, because the incident happened
there, but he STILL GAVE me a report #.

Is this officer wrong in what he said, or
is it that he doesn't know his job as well?

Clearly, this procedure wasn't done properly &
Clearly I can see that Officer (#07) didn't know
his job duties + didn't follow them as well.

Claim: Ms. Spears was charged with a summary criminal offense and was banned from the property of Carnegie Mellon University after the completion of community service.

Why was I charged? I was NEVER Guilty and if You Judges feel I was, why not pull the TAPES? Where are they? Make CMU Police officer #07 pull the Camera Tapes, cause their should be Tapes now! Also, I have another witness, James Lee (he actually States) that I was assaulted from behind, so AGAIN make a phone call & pull the tapes. Why is it CMU Officer #07 & their Attorney's words GOLD, but mine isn't, when I have ALL THE PROOF YOU NEED?! But again, the Judges APParently want frivolous statements, and obviously its OK to LIB if your the Police! Clearly there are EXCEPTIONS to the Rules of LAW!

Claim: Community Service was given to ~~me~~, by the Judge on the case at that present time, and for what ever reason, if you Judges feel that the judge that gave me that NOT Guilty made an error, then Prove Him ~~wrong~~ as well because whether, he gave me that Answer or Not, Doesn't Define who I AM as a person, nor does it speak for my Character. NO ONE Defines Tashe Spears but Tashe Spears, not, YOU, nor the Other Judge! I am

who I am, and I will not change for NO ONE!

I remained the same Person they hired in 2011, and
I remained the same in 2013 when they fired
me. I have Never Changed! And I won't!

The Person who assaulted me, remained on
their Property (Cmu's) even after she assaulted
me for a period of time. Why was I banned
and She wasn't, nor arrested or charged?

She is White! The Officer is White!

But Again, This is OK, Apparently,

I did 10 hrs of Community Service for what?!

I wasn't never a threat at the university.

The assaulter walked & she paid up as
well. So my question is, "Why didn't she do
any jail time, or Community service, or pay
a fine for the assault?" She's Guilty.

But I'm still fighting! (But it's ok, the Judges
still don't see it!)

If I was as aggressive as these people are
trying to make me, I should have went
back into that University, and started A
whole war over there, because
remember Now, the ASSault DID
Happen, and remember now, no one
made sure I left on my own recordance
so that's what should have happened!
But AGAIN, NOT MY Character!

So I was in a NO WIN Situation, it seems because I Called the LAW! I didn't take the LAW Into my own HANDS! But again, you Judges don't see that because All you see is ONE SIDE! CMU'S SIDE!

Claim: The Defendant bears the burden of proving that the Plaintiff has failed to state a claim, for relief.

The Defendant failed to PROVE that I didn't state a claim, when IN fact, I Stated more than 1 Claim. Where's the Proof? All statements were facts! The letter states that the Court must accept all of the Complaints well-pleaded facts as True! So my question again is, "Where's the Proof that I lied, or that I'm lying?"

claim: The Courts then decide whether the facts alleged in the complaint are sufficient to demonstrate that the plaintiff has a plausible claim for relief.

The Courts failed me because my Civil Rights were violated and there ARE Violations. The Courts Refuse to MAKE CMU Police except Responsibility for not ~~responsibility~~ responding to me nor banning me because they had NO Right to do so! I worked there for 3 yrs, ban me for what?

You ban a person for breaking the rules, stealing, lying, being disorderly, not for doing my job the same way I did it for the 3 yrs I was there.

Someone else made a mistake and You (the judges) want to hold me liable and not believe my statements but turn around and let the Assaulter GO. You also let CMU Police Officer (#07) walk on His Screwup! Now How about that?! He's WRONG and he should be made to Pay for what He did! Period! If it happened to your Mother, Sister, aunt, niece, or daughter for that matter, I'd bet you would see it more Clearly, but because CMU is your PREStige University see, so you don't want to see them wrong, but that's what they are exactly, WRONG!! And so I ask this to you judges, "Do you know the Law or are you Judges Unsure of the Law and How it is Supposed to Work? The Law doesn't change or Bend for 1 person, or 1 Corporation, It applies to EVERYONE! Paul Helffrich (#07) broke the Law, I didn't.

That IS A FACT. Why Do you Judges Refuse to see it? 2 Companies Righted their wrong, I was found Not Guilty, Because I was never Again, Guilty, The Aggressor who ASSAULTED me PAID!, So, why doesn't CMU feel they shouldn't fail?! They Violated me, in Every way, I'm not a Ghost, I was there, it happened, Paul Helffrich refuses to help me, he banned me, told me to Go somewhere else, are You Judges SERIOUS??!

claim: A complaint must show entitlement for relief. its facts must show entitlement. Fawer vs UPMC Shadyside

It is my Right, AND there are violations
AND Yes, I suffered thru out this whole case
physically, financially, Emotionally / and
mentally and I states that already on all
the paperwork provided. Yes I had Lawyers
back then, Not Now! Yes, I lost weight
and bleed for a whole month, but did you
ask for Doctors proof?! mentally I'm Drained,
but I'm A fighter when I need to be, SO NO
I'm not giving up on my case! AND my
Emotions are running high As we speak so
Yes ASK for Proof, you can get it! And Y'all,
The (Judges) are hearing to my stress levels because
yall can't see clearly Apparantly.

Claim The (Act) provides that injunctive relief
shall not be granted unless a declaratory decree
was violated or declaratory relief was unavailable
I was Violated Period! The charges speak
for themselves, AND whether the judges feel
that I didn't go to the Attorney General to file,
It didn't show incompetence for sure, because
It happened to ME! CMU had a part to
play, because they weren't gonna bring it to
NOBODY!, AND because I brought it to the
Appropriate Court Doesn't make ME wrong!
It's been in court 4 9 months as we speak!
It Didn't happen to Human Relations either. IT

happened to me! Its A Violation for Sure, but Again, why Should you tell me I had to go there when you can't even see there's A violation?! Again, One-Sided views. So just because some People know the Law, doesn't mean they will follow the Law. So, it Definately Applies in this case. I've learned throughout this case that the only thing we can Agree on is the lady who ~~kicked~~ on me was white, the Racist Cop is white, the judges are white, the Lawyer is white & So is the paper. The only thing Black in this case is ME & the INK on these papers & your printed copies. So the ODDS Are Definately STACKED AGAINST Me. For SURE! AND Most, Im portant, A Lie will Always NEED a witness, but the Truth will Always STAND ALONE, so you See Judges, Im still standing ALONE!

I'm Not trying to persuade You Judges, I am Supposed to tell the truth, I just Need You to see it for what it is.

The courts State my interpretation of the Law does not excuse me because I didn't file with PHRA.

The time shouln't be on me, It shouln't be on them. And the fact that I brought it to the courts, speaks Volumes because again they wasn't.

You See Judges, You wear a robe everyday,
but under that robe everyday, you wear A heart.

Doesn't Your Heart beat for the Truth?

If you were Violated by the Law, what would You Do?

Remember, You Never had to know about Human

Relations, You never had to go to the Attorney
General for Nothing in your Life, so How would

You know You had to go fast to get Justice.

If You felt I had any truth in my letter,

You (Judges) wouldnt have sent me that Isidet
b.s. Letter. So There's really nothing left to
do but EXPOSE this Case for what it is.

Discrimination at its Highest Level!

You never said one thing about Ch 4's Police
Officer and what Laws He didn't follow.
but you sure made a point to tell me.

AGAIN my knowledge of how to file a discrimination
charge is not a violation, but what He (Police
Officer Paul Hofferich (#07) did to me was!

And that's what's being covered up! You, the
Judges don't have to Agree with me, But what
He did to me WONT go UN Noticed. I know
You Heard of STAND YOUR GROUND, well now
I'm going to STAND my GROUND! Even if it
means losing Everything! Have a Blessed Day.

pro se

Tasha Spears